

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD

November 21-25, 2005

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
11-21	OPP OPP (MA)	91157260 91157625	Turbo Sportswear, Inc. v. Marmot Mountain Ltd.	Seeherman Quinn Walters [Opinion "By the Board" (Skoro)]	whether applicant may amend its answers to the oppositions to assert counterclaims for cancellation based on fraud	Opposer's motion to amend granted	marks comprising or incorporating a stylized mountain design [numerous items of clothing]	two marks comprising a "stylized mountain" design [both marks for goods in Classes 18 and 25 (and in other classes not opposed)]			Yes
11-21	EX	78289411	On-Guard Pool Products	Hanak* Hohein Hairston	2(e)(1)	Refusal Affirmed		"POOL TERRAZZO" [materials for sidewalk, patio, and swimming pool construction, namely, aggregate material composed of natural stone pebbles]		Mandir	No
11-22	EX	76515615	Quality Trans Parts Inc.	Quinn Grendel* Rogers	2(d); 2(e)(1)	Refusal Affirmed (on 2(e)(1) ground only)		"QUALITY" [motor vehicle parts, namely, transmissions]	"QUALITEE" [automotive parts, namely, disc brake pads, brake shoes, brake discs, brake drums, air filters, oil filters, fuel filters, clutches, brake wheel cylinders, brake master cylinders, clutch hydraulic cylinders, timing belts, water pumps, starters]	Miller	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration; (MA)=Motion to Amend

(2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
November 21-25, 2005 (continued)

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11-23	EX	76551540	GMAC Mortgage Corporation	Bucher Drost* Kuhlke	2(e)(1)	Refusal Affirmed		"EQUITY REWARDS" [credit card services]		Lee	No
11-23	EX	76498256	Douglas K. Kelly	Walters Drost* Zervas	whether applicant's specimens show use of the mark it seeks to register in connection with its recited services	Refusal Affirmed as to applicant's services in Class 40 [Note: No refusal was made as to applicant's goods in Class 28 of its two-class application.]		"LIBERTY BILLIARDS" [in Class 40: manufacture of billiard tables to order and/or specification]		Cross	No
11-23	OPP (SJ)	91163924	Fountain of Youth Properties, Inc.	Holtzman Rogers Drost [Opinion "By the Board" (Wolfson)]	2(d)	Opposition Sustained (Opposer's motion for summary judgment granted)	"PONCE DE LEON'S FOUNTAIN OF YOUTH" [water, namely, drinking, spring, distilled, purified, well, flavored, and carbonated water]	"FOUNTAIN OF YOUTH" [water, mineral water and spring water for consumption]			No

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